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REMARKS

Upon receipt of this response, the Examiner is respectfully requested to contact the undersigned representative of the Applicant to arrange a telephone interview concerning the inventive merits of this application.

The Applicant notes that the Examiner believes the election requirement to be proper and thus made final. In view of this, claims 9, 11, 12 and 14-18 are withdrawn from further consideration. Notwithstanding this, in an effort to expedite prosecution, the Applicant amended withdrawn claims 17, and 18 since the Applicant anticipates reinstating those claims during prosecution of this application.

Claims 2-7, 10 and 19 are rejected under 35 U.S.C. § 112, second paragraph, as being indefinite for the reasons noted in the official action. The rejected claims are accordingly amended, by the above claim amendments, and the presently pending claims are now believed to particularly point out and distinctly claim the subject matter regarded as the invention, thereby overcoming all of the raised § 112, second paragraph, rejections. The entered claim amendments are directed solely at overcoming the raised indefiniteness rejection(s) and are not directed at distinguishing the present invention from the art of record in this case.

Next, claims 1, 4, 6-8 and 19-20 are rejected; under 35 U.S.C. § 102(b), as being anticipated by Lechner '558. The Applicant acknowledges and respectfully traverses the raised anticipatory rejection in view of the following remarks.

Lechner '558 discloses a tie down anchor and fastening device comprising, in part, a slide block 28 with a hook 30. The slide block 28 has two grooves 36 and 38, each of which has gripping means 32 and 34 in the form of serrations. The block 28 slides into an end of a channeled track 12. The channeled track 12 has two downwardly extending flanges 24 and 26, each of which have an edge 24a and 26a. The edges 24a, 26a of these flanges 24 and 26 extend into and mate with the respective groove 36 or 38 of the slide block, as seen in Fig. 5 of the reference.

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In use, when an object is tied to the hook 30 and thereby induces tension on the hook 30, the slide block 28 is biased or tilted such that the gripping means 32 and 34 of the slide block 28 engage with the edges 24a, 26a of the flanges 24 and 26 of the channeled track 12 and secure the block to the track at a fixed position. When the block is so engaged, the block is basically anchored to the track and prevented from moving along the track.

As can be seen in Figs. 2, 5 and 6 of this reference, this tie down anchor and fastening device is distinctly different than from the arrangement of the presently claimed application. Specifically, while the two grooves 36 and 38 provided in the slide block 28 each have serrated gripping means 32 and 34, the mating edges 24a and 26a of the flanges 24 and 26 of the track 12 are only flat smooth surfaces without any repeating pattern such as the serrations of the gripping means 32 and 34. The Applicant respectfully submits, that unless the flanges 24 and 26 of the track 12 are made of a softer material than the gripping means 32 and 34 of the slide block 28, the gripping means 32 and 34 do not actually grip the flanges 24 and 26. In other words, the slide block of the reference has one serrated surface but the track has no mating serrated surface.

In distinct contrast, the claims of the present application recite the limitation of the rearwardly facing surface of the recess of the base has a repeating pattern and the adjustable member has a surface with a repeating pattern which mates with the repeating pattern of the rearwardly facing surface of the recess. In other words, the base has a surface with a repeating pattern and the adjustable member has a surface with a mating repeating pattern as that of the base. As the repeating patterns of the two surfaces mate with one another during use, they become engaged in such a way that the two surfaces can not slide with respect to one another. It is respectfully submitted that the locking feature of the presently claimed invention is patentably distinct from the arrangement of the applied art.

In order to emphasize the above noted distinctions between the presently claimed invention and the applied art, the independent claims 1, 19 and 20 of this application now recite the features of "[a] cargo securing system comprising: an elongate base member....at least one

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adjustable member....and a rearwardly facing surface of the recess carrying a first interlocking structure having a repeating pattern and the adjustable member carrying a mating second interlocking structure having a repeating pattern for mating with the repeating pattern of the first interlocking structure, and when the first interlocking structure engages with the second interlocking mating structure, the adjustable member is retained at a desired position relative to the base member." Such features are believed to clearly and patentably distinguish the presently claimed invention from all of the art of record, including the applied art.

The Applicant thanks the Examiner for indicating that claim 13 is objected to as being dependent upon a rejected base claim but would be allowable if rewritten in independent form to include all of the limitations of the base claim and any intervening claims. Also the Applicant thanks the Examiner for indication that claims 2, 3 and 5 would be allowable if rewritten to overcome the rejection(s) under 35 U.S.C. 112, second paragraph. Notwithstanding this indication, the Applicant respectfully submits that all of the pending claims, including the withdrawn claims, are now placed in a condition for allowance.

If any further amendment to this application is believed necessary to advance prosecution and place this case in allowable form, the Examiner is courteously solicited to contact the undersigned representative of the Applicant to discuss the same.

In view of the above amendments and remarks, it is respectfully submitted that all of the raised rejection(s) should be withdrawn at this time. If the Examiner disagrees with the Applicant's view concerning the withdrawal of the outstanding rejection(s) or applicability of the Lechner '558 reference, the Applicant respectfully requests the Examiner to indicate the specific passage or passages, or the drawing or drawings, which contain the necessary teaching, suggestion and/or disclosure required by case law. As such teaching, suggestion and/or disclosure is not present in the applied references, the raised rejection should be withdrawn at this time. Alternatively, if the Examiner is relying on his/her expertise in this field, the Applicant respectfully requests the Examiner to enter an affidavit substantiating the

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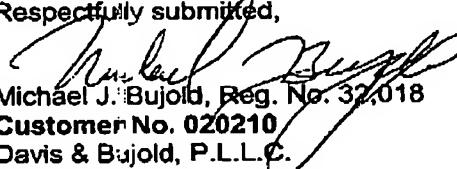
Examiner's position so that suitable contradictory evidence can be entered in this case by the Applicant.

In view of the foregoing, it is respectfully submitted that the raised rejection(s) should be withdrawn and this application is now placed in a condition for allowance. Action to that end, in the form of an early Notice of Allowance, is courteously solicited by the Applicant at this time.

The Applicant respectfully requests that any outstanding objection(s) or requirement(s), as to the form of this application, be held in abeyance until allowable subject matter is indicated for this case.

In the event that there are any fee deficiencies or additional fees are payable, please charge the same or credit any overpayment to our Deposit Account (Account No. 04-0213).

Respectfully submitted,


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